

ZC197

# MANCHESTER SHIP CANAL ACT 1952

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## ARRANGEMENT OF SECTIONS.

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AN

# ACT

To confer further powers upon the Manchester Ship Canal Company; and for other purposes.

[ROYAL ASSENT 9TH JULY 1952.]

WHEREAS the Manchester Ship Canal Company (hereinafter referred to as "the Company") were incorporated by the Manchester Ship Canal Act 1885 and by virtue of the powers conferred by that Act and subsequent Acts own and carry on an undertaking which comprises the Manchester Ship Canal (hereinafter referred to as "the Canal") the Bridgewater Canals and certain docks lands and premises in the cities of Manchester and Salford and elsewhere and certain railways in connection with the said canals docks lands and premises :

Preamble.  
48 & 49  
Vict.  
c. clxxxviii.

10 And whereas under or by virtue of the said Acts or some of them the Company are empowered to charge and make certain rates and charges for the use of or in connection with the said railways and to levy or charge dues tolls rates and charges on vessels navigating the said Bridgewater Canals and on the merchandise carried thereon :

15 And whereas the dues tolls rates and charges which the Company may levy charge and make as aforesaid are for the most part limited by the said Acts or some or one of them to certain specified maxima and it is expedient that the said maxima should be increased as by this Act provided :

20 And whereas the locks constructed by the Company at the entrance from the River Mersey to the Canal at Eastham have been so constructed as to admit the passage into the Canal on certain tides of tidal waters from the said River or the estuary thereof :

25 And whereas great inconvenience and expense are caused by the quantities of silt carried into the Canal by such tidal waters :

30 And whereas doubts have arisen as to the rights of the Company to exclude such tidal waters from flowing into the Canal and it is expedient that such doubts should be removed and that such powers as are contained in this Act for excluding such tidal waters should be conferred on the Company :

And whereas by the Manchester Ship Canal (General Powers) Act 1926 (hereinafter referred to as "the Act of 1926") it was provided that notwithstanding anything contained in the Lands Clauses Consolidation Acts Amendment Act 1860 the powers of the Company of raising money by borrowing should not be reduced in consequence or in respect of the existence of any rentcharges which were payable at the date of the passing of the Act of 1926 or which the Company had at that date contracted to pay :

16 & 17  
Geo. 5  
c. lxxxiii.  
23 & 24  
Vict. c. 106

And whereas since the passing of the Act of 1926 the Company have created further rentcharges as consideration for the purchase of lands acquired by them :

And whereas it is expedient that provisions similar to the said provisions of the Act of 1926 should be enacted with reference to the said further rentcharges :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

**M**AY it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited as the Manchester Ship Canal Act 1952.

Interpre-  
tation.  
48 & 49  
Vict.  
c. clxxxviii  
9 & 10  
Geo. 5  
c. xlvi.  
23 & 24  
Geo. 5  
c. lxvi.  
14 Geo. 6  
c. lvi.

2. In and for the purposes of this Act—

" the Act of 1885 " means the Manchester Ship Canal Act 1885 ;

" the Act of 1919 " means the Manchester Ship Canal Act 1919 ;

" the Act of 1933 " means the Manchester Ship Canal Act 1933 ;

" the Act of 1950 " means the Manchester Ship Canal Act 1950 ;

" the Bridgewater undertaking " means and includes the Bridgewater Canals and all canals and navigations which were purchased by the Company from the Bridgewater Navigation Company Limited and the Company of Proprietors of the Mersey and Irwell Navigation under the provisions of the Act of 1885 and for the use of which the Company were immediately before the passing of this Act entitled to charge tolls but does not include any part of the harbour and port of Manchester ;

" the Canal " means the Manchester Ship Canal authorised by the Act of 1885 as amended by subsequent Acts ;

" the Company " means the Manchester Ship Canal Company.

Increase of  
maximum  
railway  
rates.

3.—(1) The maximum railway rates are hereby respectively increased by an amount equal to fifty per centum of the respective amounts thereof and the Company may charge and make such increased rates accordingly.

(2) In and for the purposes of this section "the maximum railway rates" means the rates and charges which the Company were immediately before the date of the passing of this Act authorised to charge and make in respect of merchandise traffic on their railways by virtue of the Act of 1919 as amended by the Act of 1933 and the Act of 1950 other than the charges referred to in Section 17 (Increase of certain railway haulage charges) of the Act of 1950.

4.—(1) The maximum Bridgewater rates are hereby respectively increased by an amount equal to fifty per centum of the respective amounts thereof and the Company may levy or charge such increased rates accordingly.

Increase of maximum Bridgewater rates.

(2) In and for the purposes of this section "the maximum Bridgewater rates" means the dues tolls rates and charges which the Company were immediately before the date of the passing of this Act authorised to levy or charge in connection with the Bridgewater undertaking by virtue of the Act of 1919 as amended by the Manchester Ship Canal Act 1920 the Act of 1933 and the Act of 1950.

10 & 11 Geo. 5 c. cxlix.

5. Section 20 (Revision of rates) of the Act of 1950 shall be read and have effect as if—

Modification and application of Section 20 of the Act of 1950.

(a) in subsection (1) of that section references to Section 3 (Increase of maximum railway rates) and Section 4 (Increase of maximum Bridgewater rates) of this Act were respectively substituted for the references in that subsection to Section 16 (Increase of railway rates) and subsection (1) of Section 18 (Increase of Bridgewater rates) of the Act of 1950; and

(b) in subsection (4) of the said Section 20—

(i) the words "for an increase or decrease of the authorised rates or any of them" were inserted in that subsection immediately after the words "this section"; and

(ii) the words "an increase or decrease (as the case may be)" were substituted in that subsection for the words "a revision."

6.—(1) Notwithstanding anything contained in the Act of 1885 or in any other enactment relating to the Company or shown on the plans and sections deposited in connection with the Bill for the Act of 1885 the Company shall not be under any obligation to permit or cause the passage or flow of tidal waters from the River Mersey or the estuary thereof into the Canal at or by means of the locks at Eastham or any of them except at such times if any or under such circumstances if any as may be specified by the Acting Conservator of the River Mersey and accordingly the Company may operate and work the said locks or any of them and any weirs dams gates sluices works or appliances for the time being constructed as part of or in connection with those locks or otherwise for the purposes of this section so as subject as aforesaid to prevent at such times as they may think fit the passage or flow of such tidal waters into the Canal at or by means of the said locks.

Exclusion of tidal waters from entering Canal at Eastham.

(2) The Company may upon any lands for the time being belonging to them construct and maintain and from time to time vary alter and extend all such weirs dams gates sluices works and appliances as may be necessary or convenient for the purpose of giving effect to the provisions of subsection (1) of this section or 5 as may be otherwise incidental to that purpose.

(3) The Company shall not exercise the powers of this section in such a manner as to prevent or hinder the passage of vessels from or to the Canal to or from the River Mersey or the estuary thereof by means of the locks at Eastham at any time during which the Weston Mersey Lock is for any reason (including the state of the access thereto) incapable of being used for the passage of vessels intending to pass through the Weston Mersey Lock and entitled to do so free of toll and of ship dues.

Repeated  
1975  
10 HRO  
Art 3 (3)

Works  
below high  
water  
mark.

7. Nothing in this Act shall authorise the execution of any 15 works on under or over tidal lands below high water mark of ordinary spring tides (not being works on under or over such portions of such tidal lands as form part of the locks at Eastham or any of them) except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being 20 commenced have been approved by the Minister of Transport in writing which approval may be signified under the hand of the Acting Conservator of the River Mersey.

Borrow-  
ing powers  
not to be  
reduced in  
respect of  
granting of  
rent-  
charges.  
23 & 24  
Vict.  
c. 106.

8. Notwithstanding anything contained in the Lands Clauses Consolidation Acts Amendment Act 1860 the powers of the 25 Company of raising money by borrowing shall not be reduced in consequence or in respect of the existence of any rentcharges which were payable at the date of the passing of this Act or which the Company had at that date contracted to pay.

Costs of  
Act.

9. All the costs charges and expenses preliminary to and of 30 and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

MANCHESTER SHIP  
ACT 1952

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AN  
ACT

To confer further powers upon the  
Ship Canal Company ; and for othe

[ROYAL ASSENT 9TH JULY ]

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15 & 16 GEO. 6. & 1 ELIZABE  
SESSION 1951-52.

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